

National Anti-Slavery Standard.

VOL. XXVII. NO. 4.

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THE FREEDOM'S RIGHT TO CITIZENSHIP.

BY HORACE DRESSER.

The signs of the Declaration of Independence emanated certain great truths in that memorable instrument, which it may be well to notice by way of introduction to the views which follow.

In that great State paper they asserted in general language, in a cosmopolitan sense, that man is the possessor of certain rights, among which they enumerated, first, the right to life; second, the right to liberty; third, the right to pursue happiness, and all these as a creature of God, and not merely as a citizen of the State. They very justly and properly, and in accordance with the trust and highest moral and political philosophy, declare that he may not alienate these rights—these endowed of the Creator; rights superior, and indeed inalienable; rights related to man, which are not dependent on temporal or hereditarian titles, or intangible, and incapable of valuation or appraisement. Their equation is the *equum immensum infinitum*.

Yet as they are and beyond the power of alienation, they may be forfeited by reason of the arrangements of society and the ordinances of government. These rights are gifts of God to man, and are accountable only to the Great Giver for the manner of their exercise. He has legislated for man in this behalf, and the code which he has established, comes to instruct and direct him, written upon the fleshly tablets of the heart, and written upon the tables of stone, which is but the transcript engraven upon that legislator's tables of stone.

But the moral law has ever been violated. Though its penalties have ever been visited on the offender by the judgments of the Court of Conscience, which holds perpetual session in the Inner Temple of his being, and though sorrowfully he hath learned that the way of the transgressor is hard, there has always been a necessity for the dynamics of human government to guard and protect, and secure these rights. Hence the origin of governments among men. wisely, therefore, did the subscribers of the Great Proclamation appeal to the underlying principle of all just government, via, the security of these rights.

Great Britain, as a nation, in the exercise of the functions of government over her Colonial subjects in America, had ceased to respect those sacred rights of man, as such, and had commenced to trespass upon those inferior or remote which belonged to him as a citizen. These latter, the rights of the citizen, though not specifically set forth in terms and by name, in their great pronunciamento of 1776, may be seen to have entered as well into the motives of the men who proclaimed to the world the means for establishing a new government, as the former, the rights of a man, whether citizen or alien. Nothing is clearer than that this declaration is the exponent of what the men of that time conceived to belong to all persons whatsoever—to all members of the State. It is a Declaration of Sentiments concerning what kind of government they intended to establish if victorious in their warfare with the parent country, as well as an Act of Separation from it. It contains nothing specific, however, in respect to the particular mode or system of administration.

As subsequent events have shown, they did not so much care to change the laws and customs concerning persons and property, under which they had lived, as they cared to cast off allegiance to the Crown, and create a new order of things founded on the principle of self-government. This is seen in the fact that they continued to recognize the rules of the Common Law, and to consider them as much obligatory in their colonies as when, as a man of the subject power, they adopted its dogmas and followed its principles in the administration of justice, scarcely ever referring to acquirements in the decisions of the Courts of Admiralty, and rarely modifying, by enactments, the courses or method of their proceedings.

The laws concerning the rights of man and of the citizen, as explained and illustrated by the English elementary law writers, came to be accredited and received notions and beliefs of judges and jurisconsults of the day, in all the Colonies. To such an extent were there an adoption of the Common Law and the language and definitions of the English law literature, that it is now difficult to write or speak of certain matters and things in our national Constitution, without referring to the English nomenclature. The word, *citizen*, so important a term in these remarks, is without a definition or explanation in the Constitution. This shows that the framers of it used language well known and settled in that day, and that they had from the books of British Jurisprudence.

Can it be for a moment credited, that the very rights for which the men of the Revolution so loudly and righteously clamored, should have no place nor provision in their coming Constitution and laws? Is it possible that they should forget or neglect to secure for themselves all the immunities and privileges of citizenship, as well as before the dismemberment, and ordain and establish a system of government and laws less regardful and protective of the rights of man and the citizen, than that to which they were entitled? What rights would no longer be secured?

It is to be said, that the Colonies, as a subject of the Royal State, what rights did he enjoy as a subject of Great Britain in the hour of the dissolution of the Colonial tie? They certainly could not be less in extent or power in quality than before the severance of the ligament which bound the Colonists to the Throne. By the law of nations they would have been entitled to retain and enjoy their religion, their lands, their usages, their customs in private and public affairs, had they become conquered provinces and the subjects of some other power than that to which they just before belonged. Stronger and juster, indeed, ought to be their claim to the enjoyment and exercise of all their usual and accustomed rights, when they are, in a certain sense, both the conquerors and the conquered! Nature's first law, self-protection, that truly Higher Law, which is the voice of God, had prompted the movement, and they were free—free in fact, in the use of what things and in the occupancy and possession of what places they before had.

The transition from the rule of another to self-government, though an epoch in the history of men and all mankind which will never be forgotten, did not necessarily extinguish the foundations of the social fabric, nor destroy the nature and relation of things, nor obliterate the distinctions between right and wrong, nor change the ideas of men in matters of taste and religion. The common rights of man and the citizen remained the same. The mantle of rights which enfolded the Colonist, con-

tinned to be his accustomed costume when he abdicated allegiance to the Potentate of the Iron Throne, only was cast aside. Domestic usage in the main, was allowed its current. All this was in accordance with that law which always permitted the inhabitants of the subjugated territory to hold their houses, their lands, their ways, their children and whatsoever pertained to their social and political economy.

But to proceed to the Freedman's right to citizenship. In this asylum of the oppressed of all nations and tribes and kindreds and tongues under the whole heaven, can it longer be that man generically and universally, shall not be alike entitled to fall freedom—*to citizenship?*

It is plain that the Constitution fell far short of that provided by Congress under the Constitution, and was worthless. A State cannot make a citizen by statute or constitution. A person born in a State, becomes citizen by birth, not of the State alone, but of the United States. Born elsewhere, the uniform rule of naturalization throughout the United States, demanded by the Constitution, bars the State of any action in that behalf, and a person must become citizen by law of Congress—and hence there is no citizenship but United States citizenship.

The *Proclamation* of President Lincoln became a part of the law, constitutional and obligatory, and it left in its wake which are far from the despotic rule of the Union, it is your only wear. Military necessity was its proper warrant. The peril of the national life, and the preservation of the Constitution, by which alone life was sustained, called for its commandments. The President was sworn to "preserve, protect and defend the Constitution; to do this, it was necessary, as a war measure, to strike the real foe which was at war with its declared principles as seen in its comprehensive program. It is true Slavery found lodgment in its sanctuary—its reptile breath had for eighty years poisoned the atmosphere, and the nation was suffering from the foul emanation—its serpent coil had well nigh strangled liberty in her Temple. The President, in fulfillment of his oath, and with the monster with irreconcileable wounds, and with divine injunction. Heretofore like, and as one enemy to the other, they had been united in their antagonism, but now they had been separated by the Proclamation. But if thy right hand offend thee, cut it off, and cast it from thee—for it is proper for that one of thy members should perish and not that thy whole body should be cast into hell." There was no other alternative, death to the body politic, or capitulation. The offensive thing—*Slavery*, "is rank, and smells to heaven," but the patient is not quite "past all surgery," and the President, whilf operator, severeth the right hand whose "little finger had become thicker than the father's thumb," and it falls to the ground, and none but blood-hounds and vultures will scat ter to the ends of the earth, no more to annoy forever. There was more than magic power in the pen and sword of the Chief Magistrate, else there would not have sprung forth, at his behest, from among its prostrate pillars and shattered towers, an elon soldier, strong and mighty in muscle, armed and ready to battle bravely with Slavery and Treason. The sword pierced the very vital of Slavery, and it is paring away—the pen proclaiming its subject principles, free, and but the emancipated, and to enjoy the blessings of manhood—already it is begun the work of reparation in the highway of freedom, from the servile millions emerge from the fallen House of Bondage and go abroad to claim the ranks of Freemen. Henceforth the Freedman must have position in the land. His political status must be settled. Shall it be citizenship as well as into the motives of the men who proclaimed to the world the means for establishing a new government, as the former, the rights of a man, whether citizen or alien. Nothing is clearer than that this declaration is the exponent of what the men of that time conceived to belong to all persons whatsoever—to all members of the State. It is a Declaration of Sentiments concerning what kind of government they intended to establish if victorious in their warfare with the parent country, as well as an Act of Separation from it. It contains nothing specific, however, in respect to the particular mode or system of administration.

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city is not yet pure enough to make the existence of a just and elemental impulse. The general sentiment is not yet sufficiently developed to give to equality universal empire. The public feeling has not yet grown so general as to yield up all classes the full series of imperial humanity. The popular heart has not yet become so pure as to glow with the sublime nobility of royal and just, free to bestow sweet blessings all around as well as to exert them. We have long been used to praise and adorn the golden rule, but have not learned to implement it.

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LITERARY.

WILLIAMS ON THE EYE.

RECENT ADVANCES IN OPHTHALMIC SCIENCE.—By Henry W. Williams, M.D. Boston: Ticknor & Fields, 1862. Dr. Williams is an eminent oculist of Boston, known to his patients and the public as a most skillful and conscientious physician who has earned his honorable position by talent of a high order, thorough culture, and the most unremitting devotion to his profession. He has previously published a "Handbook to the Study of the Diseases of the Eye," the "Medical and Surgical Treatment" — a book of value alike to the professional and to laymen. The present elegant volume contains the "Boyleton Essay," to which the premium was awarded last year as the best dissertation offered in competition; a committee of award including nine of the most distinguished physicians and surgeons of Boston. It comprises an account of the recent inventions and discoveries by which ophthalmic surgery has during the last few years made such an extraordinary advance. A full and clear explanation of the Ophthalmic Auge is given, the importance of which is thus

"It is not claiming too much to assert that the ophthalmoscope has done more to increase our knowledge of diseases of the eye than had been accomplished during a century by all other means. The practitioner is not now obliged to include a large number of degenerated diseases of the eye under the designation of 'Anomalous' or 'Unknown' diseases of the eye. What was unfortunately not done, however, is to communicate to the patient news nothing, and the doctor nothing. He is relieved from many embarrassing uncertainties in diagnosis, painful to himself, and more or less detrimental to his patient, and is no longer in the dark; but in regard to the interior of the eye, can speak of what he knows and testify of what he sees. As accurate diagnosis is and must be the basis of all successful treatment, the oculist can already point to brilliant therapeutic triumphs over diseases hitherto considered incurable, which have doubtless added to the knowledge acquired by means of this instrument."

The latest information on a great number of diseases of the eye, stated manifestly from a wide and judicious reading of surgical journals at home and abroad as well as from the author's own practice is briefly but clearly given in this essay. We may conclude, then, that the former book of Dr. Williams, very cordially, for general persons, believing that many who are afflicted with forms of ophthalmic disease they believe to be incurable, will be relieved by the knowledge of proper treatment. Diseases which a few years ago could only yield relief, and operations which were impossible have become safe and easy by the progress of science.

We know from our own experience the reluctance sometimes felt to submit to surgical treatment for the eye, arising out of a fear, formerly often too well founded, lest more harm than good might be done by interference. But in the present state of the science, at least as far as ophthalmic, and the patient has only to select a competent oculist. This book, meantime, will help him to understand his own case, and to the profession will supply many a valuable hint and a great deal of fresh intelligence.

NAPOLÉON'S REPORT OF JULIUS CAESAR.—THE SECOND VOLUME.

This volume was published in Paris on the 5th and in London on the 12th. The *Altheneum* of May 5, has a long review of it from advanced sheets — a note worthy instance of enterprise in a journal not always eager for success. The author's name comprises the history of Caesar's life from the time of his appointment to the government of Gaul and the crossing of the Rubicon. The military part of the work is well done, and the author's thoroughness never before attempted, nor indeed possible. Napoleon caused extensive surveys and excavations to be made on the sites of the principal battle-fields, and constructed a vast military apparatus of truncheons, armor, and whatever pertained to the art of war, and service of the Romans that could be made to illustrate this campaign of Caesar. He is, however, himself a soldier, and has undoubtedly been able to sketch the scenes of his own military operations. Of the war in Gaul, he treats as follows:

"The English excitement about the new book 'Ecole d'Homme' seems to be on the increase. At a meeting of the Church Pastoral Association, in London, Lord Shaftesbury termed it 'that most pestilential book ever written.' *J. Thackeray*, from the jaws of Hell." Upon which the Spectator remarks: "Lord Shaftesbury is outdoing himself, and showing, with his usual true benevolence and narrow pity, which is no uncommon vice, that he is not only a statesman, but a statesman of the people. That is why he is, I suppose, a negro: he can't help being a negro."

It is stated, though not on very good authority, that the publication of Mr. Bancroft's ninth volume will be delayed for some time. It is to comprise the history of the period extending from the Declaration of Independence to the French Treaty.

The supreme moment had arrived. Caesar was resolved, — this alternative, to keep himself as the head of his party notwithstanding the Senate, or to give himself up to the people, who would have required for this the fate of Catinus. He had, however, no man to whom he could be killed in a roar. Here this question of his fate, rather than engage in a contest of which must cast the balance of power, was the question. Was it, if by his abrogation he could, black horse, his corruption, and tyranny, save his heart, the regeneration of the republic. Caesar, still in his character, called life for life, and the last for his country's sake? but the chief of his party, he told it to the Senate, and he, himself, in his pride, crushed right and justice under his heel.

He had, however, been after his victory a cruel and vindictive, and would have alienated the universe and — inable, because of arresting the course of the world, and of founding no order of things — a few years — it came in time to repair the illusory, but lasting exiles, in giving their rights to the

people of Italy, in distributing lands to the poor and to the veterans and the prosperity of an equitable administration.

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But wait. The time may come when all good things will gain a victory. Possibly all that is evil may vanish from the sight. But we are not yet arrived to the condition possible for its attainment, and must therefore a degree of harmony, excellence, and truth that will exalt every great impulse. Universal suffrage will give promise of universal justice. The ballot in the hands of the colored man will be a guarantee against his further persecution. It will be a means for his redress against oppression; a power in his own behalf for his own protection. His vote would make justice impotent in his service, and give him a disengagement a harmless. Give him a voice, and the voice against every petty tyranny, a shield against the invasion of his rights, and a safeguard against any assault that chasmatically may impose.

They are watchful of their own rights, yet trample upon the rights of their neighbors.

Any infringement upon their own freedom would be sternly rebuked and rebuked, but they have no hesitation in obstructing the freedom of persons whose claims are as sacred as theirs.

Men resent their Christianity sometimes with vain, contentious flourishes, but know that all is that worth with justice and, love, humanity, and, and the golden rule all left out.

Men are stolidly silent, but they break simply as sentimentalists, but chiefly are they bound up in their vindictive life.

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